

Amendment dated:

Customer No.: 00909

Application Serial No.: 09/251,480

Attorney Docket No. 031792-0311576 (24122-402)

In Response to Office Action mailed April 22, 2005

**REMARKS**

Claims 1-59 are pending in this application. No claims have been amended or cancelled. In view of the following comments, allowance of all the claims pending in the application is respectfully requested.

**Information Disclosure Statement (I.D.S.)**

Applicant would like to thank the Examiner for considering the submitted Information Disclosure Statements.

**Rejections Under 35 U.S.C. §§102 and 103**

Claims 1-36, 39-41, 44-50, and 52-29 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 5,790,469 to Scroggie *et al.* ("Scroggie"). Claims 37, 38, 42, 43, and 51 stand rejected as allegedly being unpatentable over Scroggie in view of U.S. Patent No. 6,055,573 to Gardenswartz *et al.* ("Gardenswartz"). Applicant traverses the rejection of these claims for at least the reason that Scroggie and Gardenswartz, alone or in combination with each other, do not appear to disclose each of the claim features.

Independent claim 1 generally recites, *inter alia*, the features of a computer network comprising *at least one incentive host server and at least two network servers*, wherein a network server *transmits a first identifier and a network server identifier (NID)* corresponding to a user's access request to the incentive host server. Claim 1 further recites *determining available incentives using the first identifier and the NID*, and *identifying available incentives associated with the NID*. Scroggie does not appear to disclose at least these features.

First, Scroggie does not disclose a computer network comprising at least one incentive host server and two or more network servers. The Examiner alleges that the claimed at least one incentive host server corresponds to the in-store server (FIG. 13, 310), and the claimed at least two network servers correspond to the supermarket's incentive distribution server (FIG. 13, 300)

**Amendment dated:****Customer No.: 00909****Application Serial No.: 09/251,480****Attorney Docket No. 031792-0311576 (24122-402)****In Response to Office Action mailed April 22, 2005**

and the POS checkout scanner (FIG. 13, 312) disclosed by Scroggie. However, the checkout scanner disclosed by Scroggie is not, nor can it be construed to be a network server as claimed.

Second, Scroggie does not disclose a network server transmitting a first identifier and a NID to the incentive host server. At best, Scroggie appears to disclose that a user may log on to server 300 (the Examiner equates this with one of the claimed network servers) and select a variety of offers. *See* Scroggie, col. 11, lines 51-54. The server then apparently transmits the purchase incentive data to an in-store server (the Examiner equates this with the claimed incentive host server) where the user can receive the incentive as a promotion or discount. *See* Scroggie, col. 11, line 55 – col. 12, line 6. However, Scroggie does not disclose that the server transmits a first identifier and a NID to the incentive host server.

Additionally, Scroggie fails to disclose determining available incentives using the first identifier and the NID, and identifying available incentives associated with the NID. At best, Scroggie appears to teach an option of customizing incentives by associating in-store purchases with a specific customer ID. A customer remotely logging into the system may supply the customer ID and receive incentives via a website or email. *See* Scroggie, *e.g.*, col. 12, lines 8-43. However, Scroggie does not disclose determining available incentives using a first identifier *and an NID, and identifying available incentives associated with the NID*, as recited in claim 1.

Because Scroggie fails to disclose any of the features described above, claim 1 is not anticipated by Scroggie. Independent claims 8, 11, 18, 21, 34, 39, 44, 48, 52-54, and 57 recite features similar to one or more of the features described above in reference to claim 1. As such, these independent claims are not anticipated by Scroggie for at least the reasons described above. Furthermore, dependent claims 2-7, 9, 10, 12-17, 19, 20, 22-33, 35, 36 40, 41 45-47, 49, 50, and 56 depend from and add features to one of the independent claims. As such, these dependent claims are not anticipated by Scroggie for at least this dependency. Gardenswartz does not overcome the deficiencies of Scroggie described above. Thus, the combination of Scroggie and Gardenswartz fail to teach or suggest every feature of dependent claims 37, 28, 42, 43, and 51. As such, these dependent claims are patentable over Scroggie in view of Gardenswartz.

**Amendment dated:**

**Customer No.: 00909**

**Application Serial No.: 09/251,480**

**Attorney Docket No. 031792-0311576 (24122-402)**

**In Response to Office Action mailed April 22, 2005**

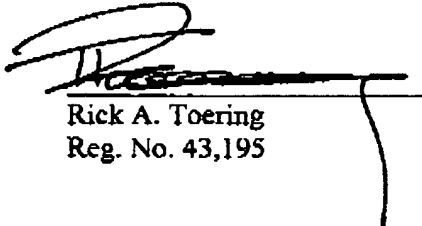
**CONCLUSION**

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: July 22, 2005

Respectfully submitted,



Rick A. Toering  
Reg. No. 43,195

**Customer No. 00909**

PILLSBURY WINTHROP LLP  
P.O. Box 10500  
McLean, Virginia 22102  
Main: 703-905-2000  
Direct Dial: 703-905-2141  
Fax: 703-905-2500